

EXHIBIT 23

1 WILLIAM J. GOINES (SBN 061290)
2 JEREMY A. MEIER (SBN 139849)
3 GREENBERG TRAUIG, LLP
1900 University Avenue, Fifth Floor
East Palo Alto, California 94303
Telephone: (650) 328-8500
4 Facsimile: (650) 328-8508
Email: goinesw@gtlaw.com
5 meierj@gtlaw.com

STATE BAR OF CALIFORNIA
OFC. OF CERTIFICATION
CONFIRMATION RECEIPT

NOV - 6 2006

AMOUNT/INITIAL: \$50, jm
FHV: 1
SB FILE #: 46025

6 Attorneys for Defendants Polo Ralph Lauren
Corporation; Polo Retail, LLC; Fashions Outlet
7 of America, Inc.; and Polo Retail Corporation

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN FRANCISCO
11

12 ANN OTSUKA, an individual; JANIS
13 KEEFE, an individual; CORINNE PHIPPS,
an individual; and JUSTIN KISER, an
14 individual; and on behalf of all other similarly
situated,
15 Plaintiff(s),

16 v.

17 POLO RALPH LAUREN CORPORATION,
a Delaware Corporation; POLO RETAIL,
18 LLC, a Delaware Corporation; POLO
RALPH LAUREN CORPORATION, a
Delaware Corporation, doing business in
19 California as POLO RETAIL CORP;
FASHIONS OUTLET OF AMERICA, INC.,
20 a Delaware Corporation and DOES 1-500,
inclusive,
21 Defendant(s).

Case No. CGC-06-452655

NOTICE OF APPLICATION AND
APPLICATION FOR APPROVAL OF BRIAN
S. COUSIN TO APPEAR *PRO HAC VICE*;
MEMORANDUM OF POINTS AND
AUTHORITIES

[Proposed Order Filed Concurrently]

Date: December 7, 2006
Time: 9:30 a.m.
Dept: 301

Date Action Filed: May 30, 2006

23
24 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

25 Please take notice that, pursuant to California Rules of Court, Rule 983, on December 7, 2006
26 at 9:30 a.m., in Department 301 of the above-entitled court located at 400 McAllister Street, San
27 Francisco, California, Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Fashions Outlet
28 of America, Inc.; and Polo Retail Corporation (hereafter collectively "Defendants") hereby do and

WILLIAM J. GOINES (SBN 061290)
 JEREMY A. MEIER (SBN 139849)
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STATE BAR OF CALIFORNIA
 OFC. OF CERTIFICATION
CONFIRMATION RECEIPT

NOV - 6 2006

AMOUNT/INITIAL: \$50, KM
 PHV: 8
 SB FILE #: 45026

Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 of America, Inc.; and Polo Retail Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS
 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 individual; and on behalf of all other similarly
 situated,

Plaintiff(s),

v.

POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; POLO RETAIL,
 LLC, a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
 California as POLO RETAIL CORP;
 FASHIONS OUTLET OF AMERICA, INC.,
 a Delaware Corporation and DOES 1-500,
 inclusive,

Defendant(s).

Case No. CGC-06-452655

**NOTICE OF APPLICATION AND
 APPLICATION FOR APPROVAL OF NEIL
 A. CAPOBIANCO TO APPEAR *PRO HAC*
VICE; MEMORANDUM OF POINTS AND
 AUTHORITIES**

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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 at 9:30 a.m., in Department 301 of the above-entitled court located at 400 McAllister Street, San
 Francisco, California, Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Fashions Outlet
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 meierj@gtlaw.com

Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 of America, Inc.; and Polo Retail Corporation

ENDORSED
 FILED
 San Francisco County Superior Court

NOV 9 2006

GORDON PARK-LI, Clerk
 BY WESLEY RAMIREZ
 Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS
 KEEFE, an individual; CORINNE PHIPPS,
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Plaintiff(s),

v.

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 LLC; a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
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 FASHIONS OUTLET OF AMERICA, INC.,
 a Delaware Corporation and DOES 1-500;
 inclusive,

Defendant(s).

Case No. CGC-06-452655

DECLARATION OF BRIAN S. COUSIN IN
 SUPPORT OF APPLICATION FOR
 APPROVAL OF BRIAN S. COUSIN TO
 APPEAR *PRO HAC VICE*

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

I, Brian S. Cousin, declare:

1. I make this declaration in support of my application to appear as counsel *pro hac vice*
 in the above-referenced matter on behalf of Defendants Polo Ralph Lauren Corporation; Polo Retail,
 LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation. I have knowledge of the
 matters stated herein and would competently testify thereto if called to do so.

BY FAX

2. My residence address is 14 Glen Eagles Drive, Larchmont, New York 10538. My business address is Greenberg Traurig, LLP, 200 Park Avenue, New York, NY 10166. I am neither a resident of nor employed in the State of California, and am not regularly engaged in substantial business, professional or other activities in the State of California.

3. I was admitted to the practice of law on the following dates before the following courts of law: December 19, 1988 to the state courts of New Jersey; December 19, 1988 to the United States District Court for the District of New Jersey; March 6, 1989 to the state courts of New York; August 1, 1989 to the United States District Courts for the Southern and Eastern Districts of New York; March 22, 1991 to the Superior Court of the District of Columbia; February 28, 1997 to the United States District Court for the Northern District of New York; July 12, 2002 to the U.S. District Court for the District of Connecticut; September 7, 2004 to the U.S. Court of Appeals, Second Circuit; and July 24, 2006 to the U.S. Court of Appeals, Third Circuit.

4. I am a current member in good standing in all of the above courts except the courts of the District of Columbia wherein I have been voluntarily inactive for a number of years.

5. I am not currently suspended or disbarred in any court.

6. In the past two years, I have not applied for admission *pro hac vice* to any courts in the State of California.

7. The name, address, telephone number and active bar number of the California attorney appearing as attorney of record in this action is William J. Goines (SBN 61290), Greenberg Traurig, LLP, 1900 University Avenue, 5th Floor, East Palo Alto, CA 94303; (650) 328-8500.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 3rd day of November, 2006.

Brian Cousin
Brian S. Cousin

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Cathy Sandifer, am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On November 8, 2006, I served the following documents:

DECLARATION OF BRIAN S. COUSIN IN SUPPORT OF APPLICATION FOR APPROVAL OF BRIAN S. COUSIN TO APPEAR *PRO HAC VICE*

☒ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately _____, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the **UNITED STATES MAIL** at East Palo Alto, California, addressed as set forth below.

☐ by **OVERNIGHT MAIL** by placing the document(s) listed above in a sealed overnight mail envelope with postage thereon fully prepaid, addressed as set forth below. I am aware that on motion of the party served, service is presumed invalid if delivery by Federal Express is more than one day after date of deposit with Federal Express.

☐ **(BY MESSENGER PERSONAL SERVICE)**. I caused delivery of such envelope by hand to the offices of the addressee.

Patrick R. Kitchen, Esq.
Law Offices of Patrick R. Kitchen
565 Commercial St., 4th Fl.
San Francisco, CA 94111
(Fax: 415-627-9076)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery St.
San Francisco, CA 94133
(Fax: 415-391-9432)


I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

//

//

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
2 correct.

3 Executed on November 8, 2006, at East Palo Alto, California.

4 
Cathy Sandifer

WILLIAM J. GOINES (SBN 061290)
 JEREMY A. MEIER (SBN 139849)
 GREENBERG TRAURIG, LLP
 1900 University Avenue, Fifth Floor
 East Palo Alto, California 94303
 Telephone: (650) 328-8500
 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 meierj@gtlaw.com

ENDORSED
 FILED
 San Francisco County Superior Court

NOV 8 2006

GUOJUN FANG-LI, Clerk
 BY WESLEY RAMIREZ
 Deputy Clerk

Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 of America, Inc.; and Polo Retail Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS
 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 individual; and on behalf of all other similarly
 situated,

Plaintiff(s),

v.

POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; POLO RETAIL,
 LLC, a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
 California as POLO RETAIL CORP;
 FASHIONS OUTLET OF AMERICA, INC.,
 a Delaware Corporation and DOES 1-500,
 inclusive,

Defendant(s).

Case No. CGC-06-452655

DECLARATION OF WILLIAM J. GOINES
 IN SUPPORT OF APPLICATION FOR
 APPROVAL OF BRIAN S. COUSIN TO
 APPEAR *PRO HAC VICE*

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

I, William J. Goines, declare:

1. I am an attorney at law duly licensed to practice in the State of California and am a
 shareholder of Greenberg Traurig, LLP, attorneys of record for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation
 (hereafter "Polo" or "Defendants").

BY FAX

4. In the past two years, Mr. Cousin has not applied for admission *pro hac vice* in other courts in California.

5. Attached as Exhibit A is a true and correct copy of the letter to the State Bar of California ("State Bar") dated November 3, 2006, that transmitted a copy of Defendants' Application for Appearance of Brian S. Cousin *pro hac vice*, the supporting Declaration of Brian S. Cousin and payment of the \$50.00 processing fee.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8th day of November, 2006.


William J. Goines

A

Greenberg Traurig

Jeremy A. Meier
Tel. 650.328.8500
Fax 650.328.8508
meierj@gtlaw.com

November 3, 2006

State Bar of California
180 Howard Street
San Francisco, CA 94105-1639

Attention: Office of Certification

Re: Admission of Brian S. Cousin, Esq. to Appear *Pro Hac Vice* in
San Francisco County Superior Court Case No. CGC-06-452655;
Ann Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Dear State Bar:

Enclosed please find, pursuant to California Rules of Court, Rule 983(c), this office's check in the amount of \$50.00 and a copy of the Application and Declaration of Brian S. Cousin, Esq. to Appear *Pro Hac Vice* in the action entitled *Ann Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.*, San Francisco County Superior Court Case No. CGC-06-452655. The Application is to be heard in San Francisco County Superior Court, Dept. 301, 9:30 a.m., on December 7, 2006.

If you have any questions regarding the foregoing or the enclosed, please contact the undersigned. We also appreciate receiving confirmation from the State Bar by facsimile. Thank you.

Very truly yours,



Jeremy A. Meier

Enclosure

cc: Brian S. Cousin, Esq. (w/o encl.)

OPERATING ACCOUNT
2000 UNIVERSITY AVENUE, SUITE 602
EAST PALO ALTO, CA 94303

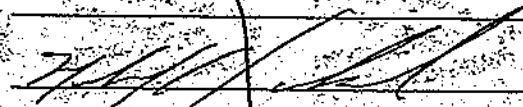
PAY Fifty and 00/100

NOT NEGOTIABLE AFTER 90 DAYS FROM ISSUE
DATE 11/03/06 CHECK NO. 1954 AMOUNT \$ ***50.00***

TO THE ORDER OF
The State Bar of California
P.O. Box 2142
Los Angeles, CA 90084-2142

TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$10,000.00
OPERATING ACCOUNT

Citibank (West), FSB



⑈001954⑈ ⑆321171184⑆ 201170081⑈

DATE	DESCRIPTION	REFERENCE	BALANCE
Check #: 1954	Vendor ID: 05897	Check Date: Nov 03/06	

Disb Date	Disbursement Description	Amount
11/03/06	Filing Fees	50.00
PAYEE: The State Bar of California; REQUEST#: 769178; DATE: 11/3/2006. - 06321.093800/Filing fee for Brian cousin Pro hac Vice Application		

DETACH

PLEASE DETACH BEFORE DEPOSITING

DATE	DESCRIPTION	REFERENCE	BALANCE
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DETACH

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Cathy Sandifer, am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On November 8, 2006, I served the following documents:

**DECLARATION OF WILLIAM J. GOINES IN SUPPORT OF APPLICATION
FOR APPROVAL OF BRIAN S. COUSIN TO APPEAR *PRO HAC VICE***

☒ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately _____, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

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☐ **(BY MESSENGER PERSONAL SERVICE)**. I caused delivery of such envelope by hand to the offices of the addressee.

Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
(Fax: 415-627-9076)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery St.
San Francisco, CA 94133
(Fax: 415-391-9432)

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

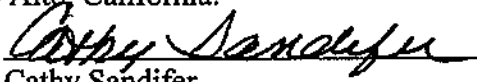
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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
2 correct.

3 Executed on November 8, 2006, at East Palo Alto, California.

4 
Cathy Sandifer

rs 11/08/06

1 WILLIAM J. GOINES (SBN 061290)
 2 JEREMY A. MEIER (SBN 139849)
 3 GREENBERG TRAUIG, LLP
 4 1900 University Avenue, Fifth Floor
 5 East Palo Alto, California 94303
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REC'D NOV 08 2006

6 Attorneys for Defendants Polo Ralph Lauren
 7 Corporation; Polo Retail, LLC; Fashions Outlet
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8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SAN FRANCISCO

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Case No. CGC-06-452655

**[PROPOSED] ORDER GRANTING
 APPLICATION TO ALLOW APPEARANCE
 OF BRIAN S. COUSIN *PRO HAC VICE***

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

22
 23
 24 On December 7, 2006 at 9:30 a.m. in Department 301 of the above-captioned Court, located
 25 at 400 McAllister Street, San Francisco, California, Defendants Polo Ralph Lauren Corporation; Polo
 26 Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation. (hereafter "Defendants")
 27 applied (the "Application") pursuant to Rule 983 of the California Rules of Court for an Order
 28

BY FAX

1 permitting Brian S. Cousin, Esq. of Greenberg Traurig, LLP to appear *pro hac vice* in this matter as
2 an attorney of record for Defendants.

3 Having considered all papers filed in support of the Application, the Court finds that good
4 cause exists for granting the Application.

5 IT IS HEREBY ORDERED THAT the Application is granted in its entirety and Brian S.
6 Cousin, Esq. is hereby admitted *pro hac vice* to act as counsel of record in this action on behalf of
7 Defendants.

8
9 Dated: _____, 2006

10 _____
JUDGE OF THE SUPERIOR COURT.

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Cathy Sandifer, am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On November 8, 2006, I served the following documents:

**[PROPOSED] ORDER GRANTING APPLICATION FOR APPEARANCE OF
BRIAN S. COUSIN *PRO HAC VICE***

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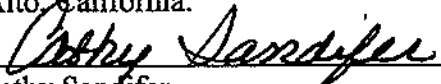
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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct.

3 Executed on November 8, 2006, at East Palo Alto, California.

4 
Cathy Sandifer

1 WILLIAM J. GOINES (SBN 061290)
 2 JEREMY A. MEIER (SBN 139849)
 3 GREENBERG TRAURIG, LLP
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 5 meierj@gtlaw.com

6 Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 7 of America, Inc.; and Polo Retail Corporation

ENDORSED
 FILED
 San Francisco County Superior Court

NOV 8 2006

GURDIN PARKER, Clerk
 by WESLEY RAMIREZ
 Deputy Clerk

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 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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 13 KEEFE, an individual; CORINNE PHIPPS,
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Plaintiff(s),

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Case No. CGC-06-452655

NOTICE OF APPLICATION AND
 APPLICATION FOR APPROVAL OF NEIL
 A. CAPOBIANCO TO APPEAR *PRO HAC*
VICE; MEMORANDUM OF POINTS AND
 AUTHORITIES

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

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 24 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

25 Please take notice that, pursuant to California Rules of Court, Rule 983, on December 7, 2006
 26 at 9:30 a.m., in Department 301 of the above-entitled court located at 400 McAllister Street, San
 27 Francisco, California, Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Fashions Outlet
 28 of America, Inc.; and Polo Retail Corporation (hereafter collectively "Defendants") hereby do and

BY FAX

1 will move the court for an order admitting the appearance in this action of Neil A. Capobianco *pro*
2 *hac vice*. This application is based on this notice and application, the supporting memorandum of
3 points and authorities and declaration of Neil A. Capobianco, all pleadings and papers on file in this
4 action and any argument or further evidence presented at the hearing on this matter.

5
6 Dated: 4/3, 2006.

GREENBERG TRAURIG, LLP

7
8 By: 

9 William J. Goines, Esq.
Jeremy A. Meier, Esq.

10 Attorneys for Defendants Polo Ralph Lauren
11 Corporation; Polo Retail, LLC; Fashions Outlet
12 of America, Inc.; and Polo Retail Corporation
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MEMORANDUM OF POINTS AND AUTHORITIES

California Rules of Court, Rule 983(a), provides as follows:

[Eligibility.] A person who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory or insular possession of the United States, and who has been retained to appear in a particular cause pending in a court of this state, may in the discretion of such court be permitted upon written application to appear as counsel pro hac vice, provided that an active member of the State Bar of California is associated as attorney of record. No person is eligible to appear as counsel pro hac vice pursuant to this rule if (1) he is a resident of the State of California, or (2) he is regularly employed in the State of California, or (3) he is regularly engaged in substantial business, professional, or other activities in the State of California. Absent special circumstances, repeated appearances by any person pursuant to this rule shall be a cause for denial of an application.

As set forth in the accompanying Declaration of Neil A. Capobianco, Mr. Capobianco meets the qualification set forth in Rule 983(a).

Defendants have served this application on, and paid a \$50 fee to, the State Bar of California in compliance with CRC 983(c).

Accordingly, Defendants hereby request the court grant the instant application to allow Neil A. Capobianco to appear *pro hac vice* on its behalf in this action.

Dated: n/3, 2006.

GREENBERG TRAURIG, LLP

By: 

William J. Goines, Esq.
Jeremy A. Meier, Esq.

Attorneys for Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Cathy Sandifer, am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On November 8, 2006, I served the following documents:

NOTICE OF APPLICATION AND APPLICATION FOR APPROVAL OF NEIL A. CAPOBIANCO TO APPEAR *PRO HAC VICE*; MEMORANDUM OF POINTS AND AUTHORITIES

☒ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately _____, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the **UNITED STATES MAIL** at East Palo Alto, California, addressed as set forth below.

☐ by **OVERNIGHT MAIL** by placing the document(s) listed above in a sealed overnight mail envelope with postage thereon fully prepaid, addressed as set forth below. I am aware that on motion of the party served, service is presumed invalid if delivery by Federal Express is more than one day after date of deposit with Federal Express.

☐ **(BY MESSENGER PERSONAL SERVICE)**. I caused delivery of such envelope by hand to the offices of the addressee.

Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
(Fax: 415-627-9076)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery St.
San Francisco, CA 94133
(Fax: 415-391-9432)

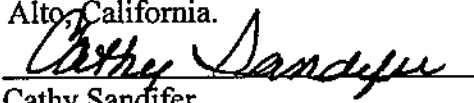
I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

//

//

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
2 correct.

3 Executed on November 8, 2006, at East Palo Alto, California.

4 
Cathy Sandifer

WILLIAM J. GOINES (SBN 061290)
 JEREMY A. MEIER (SBN 139849)
 GREENBERG TRAURIG, LLP
 1900 University Avenue, Fifth Floor
 East Palo Alto, California 94303
 Telephone: (650) 328-8500
 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 meierj@gtlaw.com

ENDORSED
 FILED
 San Francisco County Superior Court
 NOV 9 2006
 GORDON PARK-LI, Clerk
 WESLEY RAMIREZ
 Deputy Clerk

Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 of America, Inc.; and Polo Retail Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS
 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 individual; and on behalf of all other similarly
 situated,

Plaintiff(s),

v.

POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; POLO RETAIL,
 LLC, a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
 California as POLO RETAIL CORP;
 FASHIONS OUTLET OF AMERICA, INC.,
 a Delaware Corporation and DOES 1-500,
 inclusive,

Defendant(s).

Case No. CGC-06-452655

DECLARATION OF NEIL A. CAPOBIANCO
 IN SUPPORT OF APPLICATION FOR
 APPROVAL OF NEIL A. CAPOBIANCO TO
 APPEAR *PRO HAC VICE*

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

I, Neil A. Capobianco, declare:

1. I make this declaration in support of my application to appear as counsel *pro hac vice*
 in the above-referenced matter. I have knowledge of the matters stated herein and would
 competently testify thereto if called to do so.

BY FAX

2. My residence address is 145 East 15 Street, #12K New York, New York 10003. My business address is Greenberg Traurig, LLP, 200 Park Avenue, New York, New York 10166. I am neither a resident of nor employed in the State of California, and am not regularly engaged in substantial business, professional, or other activities in the State of California.

3. I was admitted in 1989 to the practice of law in the state courts of New York. I was admitted in 2002 to the practice of law in the state courts of New Jersey. I was admitted November 14, 1989 to the practice of law in the United States District Courts for the Southern and Eastern Districts of New York. I was admitted December 2, 2002 to the practice of law in the United States District Court for the District of New Jersey. I was admitted December 6, 1991 to the practice of law in the United States Court of Appeals, Second Circuit, and March 8, 2004 to the practice of law in the United States Supreme Court.

4. I am a member in good standing in all of the above named courts.

5. I am not currently suspended or disbarred in any court.

6. I have never before applied for admission pro hac vice in any courts of the State of California.

7. The name, address, telephone number and active bar number of the California attorney appearing as attorney of record in this action is William J. Goines (SBN 61290), Greenberg Traurig, LLP, 1900 University Avenue, 5th Floor, East Palo Alto, CA 94303; (650) 328-8500.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 21st day of September, 2006.


Neil A. Capobianco

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Cathy Sandifer, am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On November 8, 2006, I served the following documents:

**DECLARATION OF NEIL A. CAPOBIANCO IN SUPPORT OF APPLICATION
FOR APPROVAL OF NEIL A. CAPOBIANCO TO APPEAR *PRO HAC VICE***

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☐ **(BY MESSENGER PERSONAL SERVICE)**. I caused delivery of such envelope by hand to the offices of the addressee.

Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
(Fax: 415-627-9076)

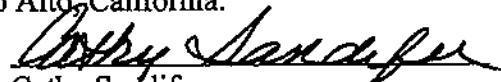
Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery St.
San Francisco, CA 94133
(Fax: 415-391-9432)

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

//
//

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
2 correct.

3 Executed on November 8, 2006, at East Palo Alto, California.

4 
Cathy Sandifer

WILLIAM J. GOINES (SBN 061290)
 JEREMY A. MEIER (SBN 139849)
 GREENBERG TRAURIG, LLP
 1900 University Avenue, Fifth Floor
 East Palo Alto, California 94303
 Telephone: (650) 328-8500
 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 meierj@gtlaw.com

ENDORSED
 FILED
 San Francisco County Superior Court

NOV 8 2006

GORDON PARKER, Clerk
 WESLEY RAMIREZ
 Deputy Clerk

Attorneys for Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS KEEFE, an individual; CORINNE PHIPPS, an individual; and JUSTIN KISER, an individual; and on behalf of all other similarly situated,

Plaintiff(s),

v.

POLO RALPH LAUREN CORPORATION, a Delaware Corporation; POLO RETAIL, LLC, a Delaware Corporation; POLO RALPH LAUREN CORPORATION, a Delaware Corporation, doing business in California as POLO RETAIL CORP; FASHIONS OUTLET OF AMERICA, INC., a Delaware Corporation and DOES 1-500, inclusive,

Defendant(s).

Case No. CGC-06-452655

DECLARATION OF WILLIAM J GOINES IN SUPPORT OF APPLICATION FOR APPROVAL OF NEIL A. CAPOBIANCO TO APPEAR *PRO HAC VICE*

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

BY FAX

I, William J. Goines, declare:

1. I am an attorney at law duly licensed to practice in the State of California and am a shareholder of Greenberg Traurig, LLP, attorneys of record for Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation (hereafter "Polo" or "Defendants").

2. I have personal knowledge of the matters set forth below except as to those which are stated on information and belief and, as to those, I am informed and believe that they are true. If called as a witness, I could and would competently testify to the following facts in a court of law.

3. I make this declaration in support of Defendants' Application for Appearance of Neil A. Capobianco ("Mr. Capobianco") *pro hac vice*. Mr. Capobianco qualifies for admission to the State Bar of California *pro hac vice* pursuant to the standards set forth in California Rules of Court, Rule 983. I am informed that Mr. Capobianco is admitted to practice before the state courts of New York and New Jersey, as well as the United States District Courts for the Eastern and Southern Districts of New York and the United States District Court for the District of New Jersey. Mr. Capobianco has also been admitted to practice law before the United States Court of Appeals, Second Circuit, and the United States Supreme Court. Mr. Capobianco is in good standing in each of the above courts, and I am informed is not currently suspended or disbarred from practice in any court.

4. Attached as Exhibit A is a true and correct copy of the letter to the State Bar of California ("State Bar") dated November 3, 2006, that transmitted a copy of Defendants' Application for Appearance of Neil Capobianco *pro hac vice*, the supporting Declaration of Neil Capobianco and payment of the \$50.00 processing fee..

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8th day of November, 2006.


William J. Goines

A

Greenberg Traurig

Jeremy A. Meier
Tel. 650.328.8500
Fax 650.328.8508
meierj@gtlaw.com

November 3, 2006

State Bar of California
180 Howard Street
San Francisco, CA 94105-1639

Attention: Office of Certification

Re: Admission of Neil A. Copabianco, Esq. to Appear *Pro Hac Vice* in
San Francisco County Superior Court Case No. CGC-06-452655;
Ann Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Dear State Bar:

Enclosed please find, pursuant to California Rules of Court, Rule 983(c), this office's check in the amount of \$50.00 and a copy of the Application and Declaration of Neil A. Capobianco, Esq. to Appear *Pro Hac Vice* in the action entitled *Ann Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.*, San Francisco County Superior Court Case No. CGC-06-452655. The Application is to be heard in San Francisco County Superior Court, Dept. 301, 9:30 a.m., on December 7, 2006.

If you have any questions regarding the foregoing or the enclosed, please contact the undersigned. We also appreciate receiving confirmation of payment from the State Bar by facsimile. Thank you.

Very truly yours,



Jeremy A. Meier

Enclosure

cc: Neil A. Capobianco, Esq. (w/o encl.)

GREENBERG TRAURIG LLP**No. 001955**OPERATING ACCOUNT
2000 UNIVERSITY AVENUE, SUITE 602
EAST PALO ALTO, CA 9430390-7118
3211PAY **Fifty and 00/100*******

NOT NEGOTIABLE AFTER 90 DAYS FROM ISSUE

DATE

CHECK NO.

AMOUNT

11/03/06

1955

\$ ***50.00***

TO THE
ORDER
OFThe State Bar of California
P.O. Box 2142
Los Angeles, CA 90084-2142TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$10,000.00
OPERATING ACCOUNT

Citibank (West), FSB

⑈001955⑈ ⑆321171184⑆ 201170081⑈

DATE	DESCRIPTION	REFERENCE	BALANCE
Check #: 1955	Vendor ID: 05897	Check Date: Nov 03/06	

Disb Date	Disbursement Description	Amount
11/03/06	Filing Fees	50.00

PAYEE: The State Bar of California; REQUEST#: 769179; DATE: 11/3/2006. -
062321.093800/Filing fee for Neil Capobianco Pro hac Vice Application/W.Gaines**DETACH**

PLEASE DETACH BEFORE DEPOSITING

DATE	DESCRIPTION	REFERENCE	BALANCE
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DETACH

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Cathy Sandifer, am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On November 8, 2006, I served the following documents:

**DECLARATION OF WILLIAM J. GOINES IN SUPPORT OF APPLICATION
FOR APPROVAL OF NEIL A. CAPOBIANCO TO APPEAR *PRO HAC VICE***

☒ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately _____, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

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☐ **(BY MESSENGER PERSONAL SERVICE)**. I caused delivery of such envelope by hand to the offices of the addressee.

Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
(Fax: 415-627-9076)


Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery St.
San Francisco, CA 94133
(Fax: 415-391-9432)

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
2 correct.

3 Executed on November 8, 2006, at East Palo Alto, California.

4 
Cathy Sandifer

REC'D NOV 08 2006

WILLIAM J. GOINES (SBN 061290)
 JEREMY A. MEIER (SBN 139849)
 GREENBERG TRAURIG, LLP
 1900 University Avenue, Fifth Floor
 East Palo Alto, California 94303
 Telephone: (650) 328-8500
 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 meierj@gtlaw.com

Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 of America, Inc.; and Polo Retail Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS
 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 individual; and on behalf of all other similarly
 situated,

Plaintiff(s),

v.

POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; POLO RETAIL,
 LLC, a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
 California as POLO RETAIL CORP;
 FASHIONS OUTLET OF AMERICA, INC.,
 a Delaware Corporation and DOES 1-500,
 inclusive,

Defendant(s).

Case No. CGC-06-452655

[PROPOSED] ORDER GRANTING
 APPLICATION FOR APPEARANCE OF
 NEIL A. CAPOBIANCO *PRO HAC VICE*

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

BY FAX

On December 7, 2006 at 9:30 a.m. in Department 301 of the above-captioned Court, located
 at 400 McAllister Street, San Francisco, California, Defendants Polo Ralph Lauren Corporation; Polo
 Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation ("Defendants") applied
 (the "Application") pursuant to Rule 983 of the California Rules of Court for an Order permitting

1 Neil A. Capobianco, Esq. of Greenberg Traurig, LLP to appear *pro hac vice* in this matter as an
2 attorney of record for Defendants.

3 Having considered all papers filed in support of the Application, the Court finds that good
4 cause exists for granting the Application.

5 IT IS HEREBY ORDERED THAT the Application is granted in its entirety and Neil A.
6 Capobianco, Esq. is hereby admitted *pro hac vice* to act as counsel of record in this action on behalf
7 of Defendants.

8
9 Dated: _____, 2006

10 _____
JUDGE OF THE SUPERIOR COURT.

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Cathy Sandifer, am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On November 8, 2006, I served the following documents:

**[PROPOSED] ORDER GRANTING APPLICATION FOR APPEARANCE OF
NEIL A. CAPOBIANCO *PRO HAC VICE***

☒ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately _____, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

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(Fax: 415-627-9076)

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2 true and correct.

3 Executed on November 8, 2006, at East Palo Alto, California.

4 
Cathy Sandifer